

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,)	Case No. 1:17-cv-02635
)	
Plaintiff,)	Judge Christopher A. Boyko
)	
vs.)	
)	
2K GAMES, INC. and TAKE-TWO)	
INTERACTIVE SOFTWARE, INC.,)	
)	
Defendants.)	

DECLARATION OF ANDREW ALEXANDER

1. I, Andrew Alexander, submit this Declaration on behalf of James Hayden (“Mr. Hayden” or “Plaintiff”) in support of Motion and Brief in Support To Exclude The Expert Testimony of James E. Malackowski.

2. I am an Attorney at the law firm Calfee, Halter & Griswold LLP.

3. Attached as **Ex. A** to this Declaration is a true and correct copy of the Expert Report of James E. Malackowski.

4. Attached as **Ex. B** to this Declaration is a true and correct copy of the Rebuttal Expert Report of James E. Malackowski.

5. Attached as **Ex. C** to this Declaration is a true and correct copy of the Expert Report of Michal A. Malkiewicz.

6. Attached as **Ex. D** to this Declaration is a true and correct copy of excerpts from the deposition of James E. Malackowski, taken on August 26, 2021.

7. Attached as **Ex. E** to this Declaration is a true and correct copy of the Expert Report and Declaration of Ian Bogost, Ph.D.

8. Attached as **Ex. F** to this Declaration is a true and correct copy of the Responsive Expert Report of James E. Malackowski, filed in the *Oracle America, Inc. v. Google Inc.*, Case No. CV 10-03561 WHA.

9. Attached as **Ex. G** to this Declaration is a true and correct copy of excerpts from the deposition of Ian Bogost, Ph.D, taken on August 30, 2021.

10. Attached as **Ex. H** to this Declaration is a true and correct copy of the NBA 2K Video Game Survey Report of E. Deborah Jay, Ph.D.

11. Attached as **Ex. I** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00006143-6153.

12. Attached as **Ex. J** to this Declaration is a true and correct copy of Take-Two Interactive Software, Inc. Company Conference Presentation, December 3, 2014.

13. Attached as **Ex. K** to this Declaration is a true and correct copy of the Rebuttal Expert Report of Michal A. Malkiewicz.

I, Andrew Alexander, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: October 25, 2021

/s/ Andrew Alexander
Andrew Alexander